



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Attorney Docket No.: 019941-000410US
Client Ref. No.: Y0107-US

Handwritten: #16
16/6/25/03
PATENT

Assistant Commissioner for Patents
Washington, D.C. 20231

On April 15, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Lawanna J. Baird

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Toyohiro Sawada *et al.*

Application No.: 09/834,414

Filed: April 12, 2001

For: DRUG DELIVERY SYSTEM FOR
AVERTING PHARMACOKINETIC
DRUG INTERACTION AND METHOD
THEREOF

Examiner: Konata M. George

Art Unit: 1616

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed April 4, 2003, Applicants respectfully request reconsideration of the finality of the Office Action.

Under MPEP § 706.07(b), it is not proper to make final a first Office action following a request for continued examination (RCE) under 37 CFR 1.114 where all claims are *not* drawn to the same invention prior to entry of the RCE.

With entry of the RCE, claims 18-21 were newly added. Therefore, Applicant respectfully requests that the Examiner withdraw the finality of the Office Action dated April 4, 2003.

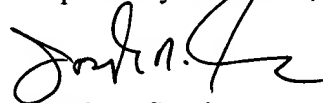
Toyohiro Sawada *et al.*
Application No.: 09/834,414
Page 2

PATENT

Further, Applicant has not been afforded an opportunity to respond to the Examiner's new rejection of claims 18-21. As such, Applicants respectfully request that the Examiner withdraw the finality of the previous Office Action.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Joseph R. Snyder
Reg. No. 39,381

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
JS:js
WC 9056297 v1